



Senator Holly J. Mitchell

SB 188 – The CROWN Act

THIS BILL

SB 188 aims to “Create a Respectful and Open Workplace for Natural Hair” (the CROWN Act) by clarifying that traits historically associated with race, such as hair texture and hairstyle, should be protected from discrimination in the work place and in our public and charter schools.

PROBLEM

In grooming and dress code discrimination cases, federal courts have consistently decided that federal anti-discrimination law protects people of African descent when they are discriminated against for adorning afros but statutory protection ceases once they grow their naturally textured or curly hair long or wear it in braids, twists, or locks.

Kinky and curly hair, along with dark skin, and other most basic physical characteristics, historically defined “blackness” in America and were subsequently viewed as a badge of inferiority. Conversely, white features were propagated as superior in every way, especially in professional settings. Despite the great strides citizens, legislators, and courts have made in more recent years to reverse and resolve the long-lasting damaging effects of this racist ideology, hair remains a source of racial discrimination with serious economic and health consequences, especially for Black workers. This sort of discrimination is encouraged by purportedly “race neutral” grooming and dress code policies in the workplace that enforce a Eurocentric image of professional hair.

Enforcing an image of professionalism that was created with European features as the norm disparately affects individuals who do not naturally fall into that norm. Black employees or applicants, adhering to such grooming policies, must often employ harmful styling practices to alter the natural characteristics of their hair like time-consuming heat straightening, or chemical permanent relaxers, both of which can lead to hair damage and hair loss.

Unfortunately, this incorrect and noninclusive view of professionalism has also permeated academic settings. Black students of nearly all age groups are often told that their natural hair or hairstyles are “unruly,” “unkempt,” or distracting to other students.

Thus, for Black people, braids, locks, and twists (collectively “Protective Hairstyles”) are not only a healthier option for Black hair maintenance, but are also the wearer’s right to choose. As many Black employees will attest, the struggle to maintain what much of society has deemed a “professional image” while protecting the health of their hair and preserving their identity remains a defining struggle in their work experience and can sometimes appear paradoxically impossible. More often than not, Black employees and students choose to conform to the “professional” or “acceptable” image at the expense of healthy hair and their identity. Those who don’t, choosing healthy hair and personal choice, are often punished to the extent of termination or suspension.

SOLUTION

While anti-discrimination laws presently protect the choice to wear an afro, afros are not the only natural presentation of Black hair. This bill will ensure protection against discrimination based on hairstyles by specifying in Gov Code 12926 and Ed Code 212.1 that the protected class of race also includes traits historically associated with race identification, such as hair texture and hairstyles.

This bill will prohibit employers and school administrators from enforcing purportedly “race neutral” grooming policies that disproportionately impact persons of color. By advancing the acceptance of protective hairstyles within corporate culture, this bill will draw attention to cultural and racial sensitivity in workplace and academic grooming policies, extending beyond hair. SB 188 ultimately encourages an intentional reform of the Eurocentric image of professionalism in order to ensure and protect diversity in the workplace and schools.

SUPPORT/OPPOSE

Sponsor: The CROWN Coalition:

The National Urban League
Western Center on Law and Poverty
Color Of Change
Dove

Support:

ACLU California
Alliance for Boys and Men of Color
American Academy of Pediatrics, California
American Federation of State, County and Municipal
Employees (AFSCME)
Anti-Defamation League
Beauty and Barber Empowerment Center
Berkeley City Council
Black American Political Association of California
Black Business Association
Black Women for Wellness Action Project
Black Women Organized for Political Action
California Black Chamber of Commerce
California Black Health Network
California Civil Liberties Advocacy
California Employment Lawyers Association
California State Council of Service Employees
California Teachers Association
Citizens Against Lawsuit Abuse
City and County of San Francisco Department on the
Status of Women
Courage Campaign
Delta Sigma Theta Sorority, Incorporated
Equal Rights Advocates
Greater Sacramento Urban League
Greenlining Institute
The Links, Incorporated
Los Angeles Community College District
Los Angeles County Office of Education
National Association of Social Workers- California
Chapter
National Coalition of 100 Black Women-
Sacramento Chapter
National Council of Negro Women
National Lawyers Guild, Sacramento Chapter
National Organization of Black Elected Legislative
Women
National Women's Law Center
Personal Care Products Council
Professional Beauty Association
Public Health Advocates
Service Employees International Union (SEIU)
United States Black Chambers, Inc.
Women's Foundation of California

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